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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/752,735	01/07/2004	Shyam Suri	CISCP845	4738
26541	7590	08/09/2005	EXAMINER	
Cindy S. Kaplan P.O. BOX 2448 SARATOGA, CA 95070			CHANG, RICHARD	
			ART UNIT	PAPER NUMBER
			2663	

DATE MAILED: 08/09/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

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Office Action Summary

Application No.

10/752,735

Applicant(s)

SURI, SHYAM

Examiner

Richard Chang

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 April 2004.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-31 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4 and 7-31 is/are rejected.
- 7) ☒ Claim(s) 5-6 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 07 January 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>04/22/2004</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Objections

1. The numbering of claims is not in accordance with 37 CFR 1.126 which requires the original numbering of the claims to be preserved throughout the prosecution. When claims are canceled, the remaining claims must not be renumbered. When new claims are presented, they must be numbered consecutively beginning with the number next following the highest numbered claims previously presented (whether entered or not). Misnumbered claim 25 following claim 30 should have been renumbered 31.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-4 and 7-31 are rejected under 35 U.S.C. 102(e) as being clearly anticipated by US patent application publication No. US 2002/0150041 A1 ("Reinshmidt et al.").

Regarding claims 1, 8, 14, 19, 25, 30 and 31, Reinshmidt et al. teaches a method (most commonly in a software implementation) for detecting a forwarding problem within

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an autonomous system (12), the autonomous system having a plurality of nodes including a source node (A2), an intermediate node (C,D,...), and a destination node (B2) (See Fig. 1), comprising:

initiating a message (ping) from the source node (A2), the message being arranged to be sent to a message destination that is an external address (11a) that is not an address located within the autonomous system (12),

forwarding the message from the source node (A2) along a path (C,D,...), the path being arranged to pass from the source node (A2) to the external address (11a) via the intermediate node (C,D,...) and the destination node (B2),

receiving the message on the destination node (B2), wherein a portion of the path (C,D,...) between the source node (A2) and the destination node (B2) is a first path segment (14),

removing the message (ping) from the path at the destination node (B2), and initiating a response (target reply) from the destination node (B2), the response being arranged to be sent along the first path segment (14) from the destination node (B2) to the source node (A2), wherein the response is arranged to indicate that the intermediate node (C,D,...) does not have a forwarding problem (See Fig. 1, page 5, paragraph [0073] - page 6, paragraph [0074]),

wherein the path is a best path between the source node and the external address problem (See Fig. 1, page 8, paragraph [0101]), and

wherein a number of nodes through which the path segment passes between the source node and the destination node as an indication (field) is stored in the message (See Fig. 14, page 10, paragraph [0135] –[0142]).

Regarding claims 2-3, 15-16, 22-23 and 26-27, these claims have limitation that is similar to those of claims 1, 14, 19 and 25, thus it is rejected with the same rationale applied against claims 1, 14, 19 and 25 above.

Regarding claims 4, 13 and 24, these claims have limitation that is similar to those of claims 1, 8 and 19, thus it is rejected with the same rationale applied against claims 1, 8 and 19 above.

Regarding claim 7, this claim has limitation that is similar to those of claim 1, thus it is rejected with the same rationale applied against claim 1 above.

Regarding claims 9-12 and 20-21, these claims have limitation that is similar to those of claims 8 and 19, thus it is rejected with the same rationale applied against claims 8 and 19 above.

Regarding claims 17-18 and 28-29, these claims have limitation that is similar to those of claims 14 and 25, thus it is rejected with the same rationale applied against claims 14 and 25 above.

Allowable Subject Matter

4. Claims 5-6 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims and if no art rejection can be applied.

Examiner's Statement of Reasons for Allowance

5. The following is an examiner's statement of reasons for allowance:

The prior art along or in combination fails to teach or make obvious the following limitations:

"wherein forwarding the message from the source node along a path includes receiving the message on a first node of the plurality of nodes, the first node being arranged to substantially alter the indication to indicate a number of nodes through which the path segment passes between the first node and the destination node" as recited in the dependent claim 5.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Richard Chang whose telephone number is (571) 272-3129. The examiner can normally be reached on Monday - Friday from 8 AM to 5 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ricky Ngo can be reached on (571) 272-3139. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

rk

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Richard Chang
Patent Examiner
Art Unit 2663

**DERRICK FERRIS
PATENT EXAMINER**

[Signature]
8/8/05